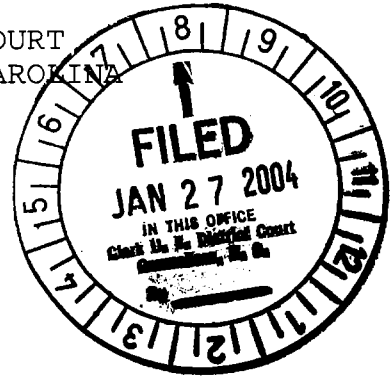


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



LOUVENIA McRAE, WILLIE J. )  
McQUEEN, DOROTHY HAMER, BILLY )  
JONES, KATIME WITMORE, HATTIE )  
McLAURIN, JERRY McNEILL, and )  
LESTER QUICK, on behalf of )  
themselves and all others )  
similarly situated )

Plaintiffs, )

v. )

1:02CV01105

ROGOSIN CONVERTERS, INC.; THE )  
BENEFIT COMMITTEE; ROGOSIN )  
CONVERTERS BOARD OF DIRECTORS; )  
WACHOVIA BANK OF NORTH )  
CAROLINA, N.A.; ROGOSIN )  
CONVERTERS AND COMMITTEE )  
UNDER THE PENSION PLAN OF )  
ROGOSIN CONVERTERS, INC.; )  
W. LEGETTE McLEAN; JOHN )  
OCHTERA; HILDA JACKSON; KORDSA )  
USA; ML&Z; PRESIDENTIAL; and )  
KLERER FINANCIAL SERVICES, )  
INC., )

Defendants. )

O R D E R

BULLOCK, District Judge

For the reasons set forth in the memorandum opinion filed contemporaneously herewith,

IT IS ORDERED that Defendants John Ochtera and ML&Z's motion [Doc. #22] to dismiss for insufficiency of service of process is **GRANTED**, and this action is **DISMISSED** without prejudice as to Defendants John Ochtera and ML&Z.

IT IS FURTHER ORDERED that Defendants' motion [Doc. #22] to dismiss for failure to state a claim upon which relief can be granted is **GRANTED**, and this action is **DISMISSED** without prejudice as to Defendants Rogosin Converters, Inc.; the Benefit Committee; Rogosin Converters Board of Directors; Rogosin Converters and Committee under the Pension Plan of Rogosin Converters, Inc.; W. Legette McLean; Hilda Jackson; Kordsa USA; Presidential; and Klerer Financial Services, Inc.

IT IS FURTHER ORDERED that Defendant Wachovia Bank of North Carolina, N.A.'s motion [Doc. #124] to dismiss for failure to state a claim upon which relief can be granted is **GRANTED**, and this action is **DISMISSED** without prejudice as to Defendant Wachovia Bank of North Carolina, N.A.

IT IS FURTHER ORDERED that Defendant Presidential's motion [Doc. #126] to dismiss for failure to state a claim upon which relief can be granted is **GRANTED**, and this action is **DISMISSED** without prejudice as to Defendant Presidential.

  
United States District Judge

January 27 , 2004